

REMARKS/ARGUMENTS

Reconsideration and allowance of this application are respectfully requested. Currently, claims 1-32 are pending in this application.

Rejections Under 35 U.S.C. §103:

Claims 1-32 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Hemmje et al (“LyberWorld...”, hereinafter “Hemmje”) in view of Bryan et al (U.S. ‘980, hereinafter “Bryan”). Claim 16 was rejected under 35 U.S.C. §103 as allegedly being unpatentable over Hemmje and Bryan in view of Barry (U.S. ‘654). Claims 18-19 and 31-32 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Hemmje and Bryan in further view of Nolting et al (U.S. ‘301, hereinafter “Nolting”). Applicant respectfully traverses these rejections.

Bryan was filed in the U.S. Patent Office on February 26, 1999. Accordingly, Bryan is only effective as “prior art” as of its February 26, 1999 filing date. The present application is entitled to priority rights based on Great Britain application no. 9901138.9 which was filed on January 19, 1999 (i.e., before the February 26, 1999 filing date of Bryan). The Notification of Acceptance of Application under 35 U.S.C. §371 and 37 CFR 1.494 or 1.495 mailed August 14, 2001 and the Office Action mailed November 6, 2003

expressly acknowledges receipt of copies of the certified copies of the priority document.

Accordingly, it is believed that Applicant has perfected its foreign priority claim under 35 U.S.C. §119 and that Bryan is therefore not “prior art” with respect to the present application. It is therefore not believed necessary at this time to discuss the technological deficiencies of this document and hence the combination of this document with Hemmje, Barry and/or Nolting. Applicant therefore respectfully requests that the above rejections under 35 U.S.C. §103 be withdrawn.

It appears that sections 8-16 of the Office Action indicate that claims 6-13, 15 and 23-30 are “anticipated” by Hemmje. Applicant submits that this allegation is clearly erroneous. Claims 6-13 and 15 depend at least indirectly from independent claim 1 and claims 23-30 depend at least indirectly from independent claim 17. Hemmje fails to disclose all of the limitations required by independent claims 1 and 17 and therefore fail to disclose all of the limitations required by claims 6-13, 15 and 23-30. Indeed, page 5, lines 13-14 of the Office Action admits “Hemmje et al. do not fairly suggest ‘the speed’ of movement in the limitation above.” Applicant therefore submits that claims 6-13, 15 and 23-30 are not “anticipated” by Hemmje.

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October 21, 2004

Conclusion:

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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